

COUNCIL CHAMBERS, MONDAY, JUNE 9, 2014 AT 7:00 P.M.

The meeting was called to order in regular session by Mayor Powers with the following members present: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Absent: None.

Moved by Niemeyer, seconded by Harrington that the Open Meetings Act is posted on the southeast wall of the City Council Chambers and that prior to this meeting a notice was placed in the Hastings Tribune on June 6, 2014, that notice was posted in three public places, that each Councilmember and Mayor received a copy of the proposed agenda and that an agenda for such meeting, kept continuously current, is available for public inspection and that said meeting is held in open session. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

REPORTS OF LIAISONS: Councilman Goebel reported on the Mayor 29th Board of Public Works Meeting. Bob Samuelson gave a presentation to the Board on the nitrate issue that the Council had heard a couple of meetings ago. Mr. Samuelson was encouraging Hastings Utilities to possibly drill some other wells, with the potential of finding some lower nitrate water sources, to avoid the high cost of a water purification plant. There was discussion on the informal bidding process that Hastings Utilities uses on projects where a formal bid is not required. They do a process similar to other city departments where they go out to a list of qualified contractors or suppliers and this process does meet all legal requirements. The Board has appointed a committee to do a study on this process and the committee includes some Board of Public Works members, some Hastings Utilities staff members and Councilman Goebel. Councilman Goebel stated he contacted the City Administrator the other day to see who from other city departments should be included. That committee meeting will be June 26th or June 27th. There was also a discussion about the Pollution Control Center's bio-solids application process and a look at some additional options. What is done now is the bio-solids residue from the Pollution Control Center is spread on farm land which is a good source of nitrogen for that farm land. The way it works is that they make application on the farm land for one year and it is set aside acres that year and then crops are grown on it the following year. The next meeting is June 12th at 9:00 A.M. at Hastings Utilities.

CITIZEN COMMUNICATIONS: None.

MAYOR'S COMMUNICATIONS: None.

Moved by Skutnik, seconded by Peterson that the following items on the Consent Agenda be approved:

1(a) Minutes of the Council Meeting of May 27, 2014.

1(b) Minutes of the Worksession of May 20, 2014.

2(a) Request of Midtowne Mart LLC for a Special Designated License at the City Auditorium on September 6, 2014.

4(a) Payroll for the period ending June 7, 2014, paid June 13, 2014.

4(b) Authorizing the City Clerk to issue checks against the various funds for payment of claims. (Claims attached to and made a part of these minutes).

4(c) Authorizing the City Clerk to issue checks against the various funds for payment of pre-paid claims. (Pre-paid claims included in list of claims attached).

5(a) Department Monthly Reports received and placed on file.

Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel.
Nays: None. The motion carried.

At this time a public hearing was held on the request of Verizon Wireless for a Conditional Use Permit to construct a wireless (cellular) communications tower on the north lot behind 1407 East South Street.

Jeffrey Skinner, representative of Verizon Wireless, appeared to speak on behalf of the application for a Conditional Use Permit. Mr. Skinner stated we are using the existing approach into that lot and from there it will be a gravel drive back to the site. We have laid it out such that we meet all of the setback requirements and the site sketch shows the details of that. At 149 feet, it would be a mono pole inside that leased area and would be fenced off, rocked off and house our shelter. Mr. Skinner stated we have also laid it out to include what is required from the ordinance as far as being structurally able to support additional carriers. Mr. Skinner stated we have chosen a spot that is outside the Airport turning zone and approach zone.

No one appeared to speak in opposition.

The City Clerk advised that her office had received no written objections.

There being no other persons wishing to speak, the Mayor declared the hearing closed.

Moved by Harrington, seconded by Niemeyer that the request of Verizon Wireless for a Conditional Use Permit to construct a wireless (cellular) communications tower on the north lot behind 1407 East South Street be approved, subject to the following conditions:

1. The Communications Tower shall not exceed 149 feet in height, including the lighting rod.

2. The perimeter of leased property shall be fenced with a six foot high privacy fence subject to review by the Building Inspector.
3. The area within the fence shall be covered with crushed gravel and kept free of weeds at all times.
4. The approach to the public right-of-way shall be paved with concrete or asphalt. The 12 foot wide access road may be paved with crushed rock or gravel.
5. The tower shall be located at a spot at least 149 feet from any property line.
6. Any and all signage for the site shall be limited to ownership, contact information and any signage required by the Federal Communications Commission (FCC).
7. The applicant shall obtain a building permit from the Hastings Development Services Department.
8. The tower shall abide by all other regulations as written within Hastings City Code Chapter 34-315.

Councilman Goebel stated he was looking over some of the requirements for location of a tower similar to this and with this particular location, he didn't see anything in the requirements as far as distance from railroad tracks. There are railroad tracks fairly close there, but he got to looking and a 149 foot tower needs to be 149 feet from the property line, therefore if it fell for some reason it wouldn't land on the railroad tracks.

Mr. Skinner stated that that is correct.

Vote on the motion. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

At this time a public hearing was held on the request of Horvath Communications for a public hearing to construct a wireless (cellular) communications tower on the northwest corner of "L" Street and South Baltimore Avenue-U. S. Highway 281.

Derek McGrew, representative of Horvath Communications, appeared to speak on behalf of the application for a Conditional Use Permit. Mr. McGrew stated we have almost the exact same application as Verizon Wireless except our tower would be a little shorter and we do meet the setback requirements. The only requirement the Planning Commission stipulated on our application was that we place an approach which we are planning on the existing approach.

No one appeared to speak in opposition.

The City Clerk advised that her office had received no written objections.

There being no other persons wishing to speak, the Mayor declared the hearing closed.

Moved by Odom, seconded by Niemeyer that the request of Harvoth Communications for a Conditional Use Permit to construct a wireless (cellular) communications tower on the north-west corner of "L" Street and South Baltimore Avenue-U. S. Highway 281 be approved, subject to the following conditions:

1. The Communications Tower shall not exceed 131.6 feet in height, to allow a two foot lightning rod.
2. The perimeter of the leased property shall be fenced with a six foot high privacy fence subject to review by the Building Inspector.
3. The area within the fence shall be covered with crushed gravel and kept free of weeds at all times.
4. The approach to the public right-of-way shall be paved with concrete or asphalt. The 12 foot wide access road may be paved with crushed rock or gravel.
5. Any and all signage for the site shall be limited to ownership, contact information and any signage required by the Federal Communications Commission (FCC).
6. The applicant shall obtain a building permit from the Hastings Development Services Department.
7. The tower shall abide by all other regulations as written within Hastings City Code Chapter 34-315.
8. The applicant shall provide a letter from the property owner stating he is aware the garage/building lies within the tower fall zone.

Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel.
Nays: None. The motion carried.

At this time a public hearing was held on the request of the Community Redevelopment Authority (CRA) to modify and amend Redevelopment Plan No. 5.19.14 to Redevelopment Plan I (Northeast corner of West 1st Street and Lincoln Avenue).

Dave Ptak, City Attorney, stated this is a statutory requirement, anytime there is a modification to a redevelopment plan, it requires the Planning Commission to make a recommendation and

the City Council approve any modifications. There wasn't any designation currently in that particular area for public parking and this modification would allow the CRA to use funds available to enhance public parking in that particular area, such as resurfacing and other types of things that may be necessary.

No one appeared to speak in favor.

Steve Marvel of Hastings, Nebraska questioned what block and lots that northeast corner is.

The City Attorney stated he didn't have it right in front of him, but believes it is Lots 13 through 22, Block 20, Original Town of Hastings.

Councilmember Skutnik stated the summary sheet states Lots 13 through 19 and the west $\frac{2}{3}$ of Lot 20, Block 22, Original Town.

Mr. Marvel questioned if there is a published plan concerning those lots.

Mr. Ptak stated no there isn't.

Mr. Marvel questioned if there is going to be.

Mr. Ptak stated this simply amends the plan and designates this particular area to be potentially developed for parking. This is necessary before any of the CRA funds can be utilized for any of the improvements or other types of things that are necessary.

The Mayor stated it basically gives us permission to do a plan basically.

Mr. Marvel questioned if there was a time frame as to when the plan will be published or put together.

Mr. Ptak stated that will be up to the CRA to determine how fast or when any of that might take place.

No one appeared to speak in opposition.

The City Clerk advised that her office had received no written objections.

There being no other persons wishing to speak, the Mayor declared the hearing closed.

RESOLUTION NO. 2014-19

WHEREAS, the Community Redevelopment Authority of the City of Hastings,

Nebraska's plan for Redevelopment Area No. 1 has previously been approved by the Mayor and City Council of the City of Hastings; and

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska has prepared the 1st and Lincoln Public Parking Lot Redevelopment Plan Modification to said Plan for Redevelopment Area No. 1; and

WHEREAS, the Community Redevelopment Authority has forwarded said Plan Modification to the Hastings Planning Commission for its review and recommendations as to the consistency with the plan for Redevelopment Area No. 1 and conformity with the general plan for the development of the City of Hastings; and

WHEREAS, the Planning Commission conducted a review of the Plan Modification to the plan for Redevelopment Area No. 1, and the general plan for the development of the City of Hastings; and

WHEREAS, the Planning Commission finds that the 1st & Lincoln Public Parking Lot Redevelopment Plan Modification is consistent with the plan for Redevelopment Area No. 1, and conforms with the general plan for the development of the City of Hastings.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Hastings, Nebraska, does hereby recommend approval of the 1st & Lincoln Public Parking Lot Redevelopment Plan Modification to the plan for Redevelopment Area No. 1 a copy of which is attached hereto marked Exhibit "A" and incorporated herein by this reference.

Moved by Krings, seconded by Goebel that Resolution No. 2014-19 be passed and approved. The motion carried.

Moved by Harrington, seconded by Hoops that the Mayor and Council approve Wage and Health Insurance Addendum to Firefighter's Contract for fiscal year October 1, 2014 through September 30, 2015.

Joe Patterson, City Administrator, stated according to our contract with the Local I.A.F.F., we do a wage survey annually and compare wages and cost of health insurance to that group of employees as we do all groups. The Firefighter Agreement comes to the Council annually to approve what the comparability numbers from the various communities indicate we should be doing. They were hit, along with a lot of other employees, when we lost Grand Island in the array. What this does is give to them the same 1.5% that we would be passing on to other employees and they will also be paying the same insurance premium rate percentages as other employees.

Vote on the motion. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops,

Skutnik, Goebel. Nays: None. The motion carried.

Moved by Niemeyer, seconded by Skutnik that the request of Kitty's Roadhouse to increase the permitted fence height at 1400 East South Street to eight feet be approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

ORDINANCE NO. 4393

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO REPEAL SECTIONS 18-119.01, 18-121, 18-122 AND 18-123 OF THE OFFICIAL CITY CODE; TO AMEND SECTION 18-120 DEALING WITH DEFINITIONS OF NUISANCES AND TO RENUMBER IT AS SECTION 18-118; TO AMEND SECTION 18-118 OF THE OFFICIAL CITY CODE DEALING WITH NUISANCES GENERALLY AND TO RENUMBER IT AS SECTION 18-119; TO AMEND SECTION 18-119 OF THE OFFICIAL CITY CODE DEALING WITH DRAINING AND FILLING OF LOTS AND TO RENUMBER IT AS SECTION 18-120; TO PROVIDE FOR AN APPEAL OF NOTICE TO ABATE A NUISANCE; TO BRING SAID SECTIONS OF THE CITY CODE IN COMPLIANCE WITH NEB. REV. STAT. §16-230; TO ESTABLISH AN EFFECTIVE DATE; AND TO REPEAL ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT HEREWITH

Said Ordinance was read by title and thereafter Councilman Harrington moved for passage of the ordinance on 2nd reading only, which motion was seconded by Councilman Goebel.

Councilman Odom moved that the statutory rule requiring reading on three different days be suspended; Councilman Krings seconded the motion to suspend the rules.

The City Attorney stated there have been some changes made since the Council adopted this ordinance on first reading. It also incorporates some changes and there used to be seven sections in the City Code dealing with nuisances and we are repealing four of those and we are going to end up with three of them. It is a total housekeeping rewrite of the nuisance section. The portion that you passed on first reading at the last meeting is still roughly the same, but we have added those other things to clean things up within that chapter.

Councilmember Krings withdrew his second to suspend the rules and Councilman Odom withdrew his motion.

Moved by Odom, seconded by Skutnik that Ordinance No. 4393 be amended to:

1. Repeal current Sections 18-119.01, 18-121, 18-122 and 18-123.

2. Amend what was Section 18-118 into Section 18-119.
3. Taking Section 18-120 which was the definitions and making it Section 18-118.
4. Taking Section 18-119 and it basically stays the same.

Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel.
Nays: None. The amendment is passed and approved.

Councilmember Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilman Goebel seconded the motion to suspend the rules and upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. NAY: None. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

The Mayor then stated the question was “Shall Ordinance No. 4393 as amended be passed and approved on 2nd and final reading. Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor signed and approved the ordinance and the City Clerk attested the passage approval of the same and affixed her signature thereto. Effective date of the ordinance is June 25, 2014.

The City Attorney stated in regards to Ordinance No. 4394, the Development Services Department has had a number of calls from residents with questions about that since it affects parking in the front, side and rear yards of residences. As a result of that, and in meeting with both the Community Service Officers at the Police Department and Development Services, we made some changes to that ordinance so it would need to be amended.

ORDINANCE NO. 4394

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 40-102 OF THE OFFICIAL CITY CODE DEALING WITH PARKING ON RESIDENTIAL LOTS; TO ESTABLISH AN EFFECTIVE DATE; AND TO REPEAL ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT HEREWITH

Said Ordinance was read by title and thereafter Councilman Niemeyer moved for passage of the ordinance on 2nd reading only, which motion was seconded by Councilmember Peterson.

Moved by Krings, seconded by Hoops that Ordinance No. 4394, Section 40-102, be amended to substitute the red lined version of ordinance.

Councilman Goebel stated a ordinance like this is often times complaint driven and questioned if that situation has changed any with the new ordinance.

The City Attorney stated no he didn't believe so; this is a section that is referred to as nuisances in dealing with parking on residential lots. What we tried to do here is to be mindful of all property owners as far as not just those with large lots, but with some of those with small lots as well, and to address those things so that we can give more direction to the Community Service Officers when they receive complaints as far as how to approach properties that may be in violation of this particular section of Code.

Vote on the amendment. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The amendment is passed and approved.

Councilman Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilman Goebel seconded the motion to suspend the rules and upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. NAY: None. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

The Mayor then stated the question was "Shall Ordinance No. 4394 as amended be passed and adopted on 2nd and final reading?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor signed and approved the ordinance and the City Clerk attested the passage approval of the same and affixed her signature thereto. Effective date of the ordinance is June 25, 2014.

The City Administrator stated the Duncan Field Rededication is scheduled for June 17th which is the same day as the Worksession is scheduled. The Council will need to postpone that Worksession or cancel it altogether. The only thing on the agenda is a presentation by the Library and that could be done at the July Worksession. The City Administrator stated he does know some Councilmembers not only would like to go to the rededication, but probably would like to attend the baseball game that follows. Mr. Hassenstab and his staff, along with the Legion, have been working hard to put together a program for the rededication.

Jeff Hassenstab stated the ribbon cutting will be at 4:15 P.M. and there will be free admission to the baseball games against Kearney, the seniors will start at 5:30 P.M. and the juniors will follow.

It was the consensus of the Council that there June Worksession be cancelled, the next Worksession will be July 22nd.

6-9-2014

Moved by Niemeyer, seconded by Krings there being no further business to come before the Council, the meeting adjourn at 7:29 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)